

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In Re: NETWORK ENGINES INC.
SECURITIES LITIGATION

)
)
) CA NO. 03-12529-JLT
)
)

**AFFIDAVIT OF JOHN J. MILLS RE: PUBLICATION OF
THE SUMMARY NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED SETTLEMENT AND SETTLEMENT HEARING**

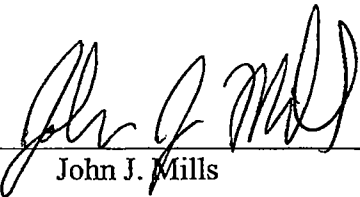
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

John J. Mills, being first duly sworn, deposes and says:

1. I am an attorney associated with the law firm of Milberg Weiss Bershad & Schulman LLP, Lead Counsel in the above-captioned action (the "Action"). I submit this affidavit in order to provide the Court and the parties to the Action with information regarding the publication of the Summary Notice of Pendency of Class Action, Proposed Settlement and Settlement Hearing (the "Summary Notice"). I have personal knowledge of the facts stated herein.

2. The Preliminary Order for Notice and Hearing in Connection With Settlement Proceedings dated April 4, 2006, directed that the Summary Notice be published in the national edition of *Investor's Business Daily*. As shown in the affidavit of publication attached

hereto as Exhibit A, the Summary Notice was published in the national edition of *Investor's Business Daily* on April 27, 2006.



John J. Mills

Sworn to before me this
18th day of July, 2006



Notary Public

TAMMELA C. DOSTON
NOTARY PUBLIC, State of New York
No. 01DO4939238
Qualified in Nassau County
Commission Expires July 25, 2006

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that, on July 19, 2006, a true copy of the foregoing "Affidavit of John J. Mills re: Publication of the Summary Notice of Proposed Settlement of Class Action and Settlement Hearing" was served upon the attorneys of record for each party via ECF.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

AFFIDAVIT

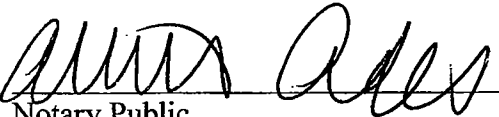
STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

I, Jerry Ferrara, being duly sworn, depose and say that I am an Advertising Account Manager at *Investor's Business Daily*, a daily national newspaper published and of circulation in the United States and that the attached Notice has been published in *Investor's Business Daily* for national distribution on April 27, 2006 and that the foregoing statements are true and correct to the best of my knowledge, information, and belief.



Jerry Ferrara

Sworn to before me this
27th day of April 2006



Notary Public

ALBERT ADES
NOTARY PUBLIC, State of New York
No. 31-5024170
Qualified in New York County
Commission Expires Nov. 30, 2006

INVESTOR'S BUSINESS DAILY

THURSDAY, APRIL 27, 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In Re: NETWORK ENGINES INC. SECURITIES LITIGATION CA NO. 03-12529-JLT

**SUMMARY NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED SETTLEMENT AND SETTLEMENT HEARING**

TO: ALL PERSONS WHO PURCHASED OR OTHERWISE ACQUIRED THE COMMON STOCK OF NETWORK ENGINES, INC. ("NETWORK ENGINES") DURING THE PERIOD BETWEEN NOVEMBER 6, 2003 AND DECEMBER 10, 2003, INCLUSIVE (THE "CLASS").

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the Court, that the above-captioned action has been conditionally certified as a class action and that a settlement for \$2,875,000 has been proposed. A hearing will be held before the Honorable Joseph L. Tauro in the United States District Court for the District of Massachusetts, John Joseph Moakley United States Courthouse, 1 Courthouse Way, Suite 2300, Boston, MA 02210, at 10:00 a.m., on July 25, 2006 to determine whether the above action should be certified as a class action, whether the proposed settlement should be approved by the Court as fair, reasonable, and adequate, and to consider the application of Plaintiffs' Counsel for attorneys' fees and reimbursement of expenses.

IF YOU ARE A MEMBER OF THE CLASS DESCRIBED ABOVE, YOUR RIGHTS WILL BE AFFECTED AND YOU MAY BE ENTITLED TO SHARE IN THE SETTLEMENT FUND. If you have not yet received the full printed Notice of Pendency of Class Action and Proposed Settlement, Motion for Attorneys' Fees and Settlement Fairness Hearing and a Proof of Claim form, you may obtain copies of these documents by contacting the Claims Administrator:

Network Engines Securities Litigation Settlement Fund
c/o Rust Consulting, Claims Administrator
P.O. Box 1808, Faribault, MN 55201-1808
1-866-216-0252, www.networkenginesettlement.com

Inquiries, other than requests for the forms of Notice and Proof of Claim, may be made to Lead Counsel:

Rachel S. Fleishman, Esq. • MIEBERG WEISS BERSHAD & SCHULMAN LLP
One Pennsylvania Plaza, New York, NY 10119-0165, (212) 594-5300

To participate in the Settlement, you must submit a Proof of Claim no later than August 18, 2006. If you are a Class Member and do not exclude yourself from the Class or do not submit a proper Proof of Claim you will not share in the settlement, but you will be bound by the Order and Final Judgment of the Court. To exclude yourself from the Class, you must submit a request for exclusion postmarked no later than June 19, 2006. Any objections to the Settlement must be filed by June 19, 2006.

Further information may be obtained by contacting the Claims Administrator. Please do not contact the Court or the Clerk's Office for information.

By Order of The Court